REMARKS

Claims 1-6 are pending in this application, with claims 1 and 4 being independent. For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art.

Claim Rejections – 35 U.S.C. § 103

Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,065,073 ("Booth") in view of U.S. Patent Publication Number 2003/0217215 ("Taborek"). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 5,136,582 ("Firoozmand") in view of Booth and Taborek. Applicants respectfully traverse these rejections in turn for at least the following reasons.

Claim 1 recites a communication module used in Fast Ethernet (R). The communication modulates includes a retimer controlling a physical layer and a microcomputer performing general control of said communication module. The microcomputer includes a storing portion storing a copy of a register having a value updated by said retimer in accordance with predetermined timing and an input/output portion outputting the copy of the register stored in said storing portion to a host device in accordance with a request by said host device.

Applicants respectfully request reconsideration and withdrawal of the rejection of claim 1, along with its dependent claims, because Booth and Taborek, either alone or in combination, do not appear to describe or suggest a communication module used in Fast Ethernet (R) that includes a retimer controlling a physical layer and a microcomputer performing general control of said communication module, wherein said microcomputer includes a storing portion storing a copy of a register having a value updated by said retimer in accordance with predetermined timing, as recited in claim 1 (emphasis added).

Booth discloses a system for auto-polling to determine the current link status. Booth at col. 8, lines 11-12. The system includes a host CPU and a network interface card ("NIC"). Booth at col. 8, lines 13-14. The NIC includes a physical layer device and an auto-polling unit and is configured to signal the host CPU whenever an interrupt condition has been detected. Booth at col. 8, lines 14-15 and lines 40-42. Apparently, by doing so, the CPU does not have to waste bandwidth continually polling network interface devices, which leads to a more efficient use of system resource. Booth at col. 8, lines 42-44.

To this end and as the Office Action concedes, Booth does not appear to describe or suggest a retimer controlling a physical layer. *See e.g.*, Office Action at page 3, lines 1-2. As such, Booth cannot describe or suggest a communication module used in Fast Ethernet (R) that includes a retimer controlling a physical layer and a microcomputer performing general control of said communication module, wherein said microcomputer includes a storing portion storing a copy of a register having a value updated by said retimer in accordance with predetermined timing, as recited in claim 1 (emphasis added).

Taborek does not appear to remedy the shortcomings of Booth to describe or suggest the above-recited feature. In fact, the Office Action does not appear to rely on Taborek to describe the above-recited feature. *See e.g.*, Office Action at page 3, lines 2-5. Instead, the Office Action only relies on Taborek to show a retimer. *Id.* Therefore, even if we assume for the sake of argument that the Office Action is correct in this regard, the combination of Booth and Taborek still do not appear to describe or suggest a communication module used in Fast Ethernet (R) that includes a retimer controlling a physical layer and a microcomputer performing general control of said communication module, wherein said microcomputer includes a storing portion storing a

copy of a register having a value updated by said retimer in accordance with predetermined timing, as recited in claim 1 (emphasis added).[1]

In order to establish *prima facie* obviousness of a claimed subject matter, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA 1974). Because Booth and Taborek, do not appear to describe or suggest a communication module used in Fast Ethernet (R) that includes a retimer controlling a physical layer and a microcomputer performing general control of said communication module, wherein said microcomputer includes a storing portion storing a copy of a register having a value updated by said retimer in accordance with predetermined timing, Booth and Taborek, either alone or in combination, do not render claim 1 obvious.

For at least the foregoing reasons, Applicants respectfully request that the 103 rejection of claim 1 and its dependent claims be withdrawn .

Claim 4 recites a communication module for use in Fast Ethernet (R) that includes, among other features, a first storing portion storing a copy of a register having a value updated by a retimer in accordance with predetermined timing (emphasis added). Firoozmand and Booth, either alone or in combination, do not appear to describe or suggest the above-recited features.

The Office Action concedes that Firoozmand does not show this feature and relies on Booth and Taborek to show this feature. *See e.g.*, Office Action at page 4, lines 12-20. However, as noted above, Booth and Taborek are equally deficient in this regard. Accordingly, combination of Booth, Taborek, and Firoozmand cannot describe or suggest a communication module for use in Fast Ethernet (R) that includes, among other features, a first storing portion

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[1] It appears that the Office Action fails to address the above-recited feature in rejecting claim 1. Therefore, Applicants respectfully request, from the Examiner, to point to the specific location(s) of Booth and Taborek, which allegedly show the above-recited feature if the Examiner wishes to maintain the pending rejection.

storing a copy of a register having a value updated by a retimer in accordance with predetermined timing, as recited in claim 4 (emphasis added).

For at least the foregoing reasons, Applicants respectfully request that the § 103 rejection of claim 4 and its dependent claims be withdrawn.

Dependent Claims

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Because claims 1 and 4 are allowable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also allowable. In addition, it is respectfully submitted that the dependent claims are allowable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under the § 103 be withdrawn.

Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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